

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Gregg Industries, Inc.
10460 Hickson Street
El Monte, California 91734

ID No. CAD008318586

Respondent.

Docket HWCA 2007-1328

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Gregg Industries, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transport of hazardous waste at the following site: 10460 Hickson Street, El Monte, California 91731 (Site).

1.3. Inspection. The Department inspected the Site on November 16, 17, and December 20, 2006.

1.4. Authorization Status. The Respondent does not have a state permit, certificate, registration, or interim status to manage hazardous waste. The Respondent is a hazardous waste generator.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the

terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent . violated Health and Safety Code section 25189.5(a), in that on or about January 11, 2007, the facility disposed a hazardous waste to an unauthorized location.

2.1.2. Respondent . violated Health and Safety Code section 25163(a)(1), in that on or about January 11, 2007, the facility transferred custody of a hazardous waste to a transporter who does not hold a valid registration issued by the Department.

2.1.3. Respondent violated Title 22, California Code of Regulations, section 66262.20, in that on or about January 11, 2007, the facility failed to prepare a manifest when offering for transportation, hazardous waste for off-site disposal.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total penalty of \$25,500.00.

5.2. Payment of \$20,500 specified in paragraph 5.1 is due in three installments. Respondent shall pay the Department a first installment of \$6,900.00 on or before May 15, 2007. Respondent shall pay the second and final installment of \$6,800.00 on or before July 15, 2007, and September 15, 2007 accordingly.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

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A photocopy of the check(s) shall be sent to:

Mukul Agarwal
Supervising Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

and

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.4. Respondent hereby agrees to send one employee to the specified California Compliance School (Modules I – IV). Attendance must be completed and the Respondent must submit a Certificate of Satisfactory completion issued by the California Compliance School to the Department within 185 days of the effective date of this Consent Order. In recognition of this educational investment, the penalty imposed by this Consent Order has been reduced by \$5,000 provided that the employee satisfactorily complete the specified modules and the Department received the Certificate of Satisfactory Completion within 185 days of the effective date of this Consent Order.

If the Respondent fails to submit the certificate as required, the penalty of \$5,000 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from the Respondent.

5.5. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: May 1, 2007

Original signed by Dave Call
Dave Call, Vice President
Gregg Industries, Inc.
Respondent

Dated: May 4, 2007

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control